



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/672,336

09/26/2003

David T. Chai

9666

23590 7590 10/29/2007
RICHARD L HUFF
19304 OLNEY MILL ROAD
OLNEY, MD 20832

EXAMINER

JACKSON, JAKIEDA R

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

10/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/672,336

Applicant(s)

CHAI ET AL.

Examiner

Jakieda R. Jackson

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the Office Action mailed May 16, 2007, applicant submitted an amendment filed on August 14, 2007, in which the applicant amended and requested reconsideration with respect to **claim 37**.

Response to Arguments

2. During the interview held October 15, 2007, Applicant discussed the difference between the prior art and the present invention. Applicant provided a clear understanding of what the invention describes. Accordingly, Applicant explained the present invention takes into consideration of the spelling, sound and pronunciation of the symbol, alphanumerals indicating the shape (i.e. four corners) and if have the same codes after the spelling and shape is considered, providing a unique identifier to disambiguate the same codes (e.g. providing null, A, B, C etc.), as described in tables 1-5.

According to Applicant remarks filed August 11, 2007 states that Ackley's invention comprises the single-byte encoded ASCII symbols and 2-byte encoded Chinese characters which require two different mapping processes to map them into machine bar codes (column 3, lines 50-67). There is no mixing in box 108 of the separate mapping processes in boxes 104 and 106. The two components are operating on two different symbols. One component acts on the seven-bit ASCII symbol and another component acts on the 16-bit Chinese character. Applicant's arguments are persuasive.

Art Unit: 2626

Applicant further argues that King does not use both Pinyin and four corner numeral index together (column 8, lines 35-50 and column 18, lines 1-10). However, according to column 22, lines 38-41 of King, King teaches the following combinations, shape recognition, shape + Pinyin and Pinyin + shape. That is, King takes into consideration of the both Pinyin and four corners.

According to the claim language, it does not disclose that both the spelling (Pinyin) and the alphanumerals (four-corners) have to be used together. It merely states that there is (i.e. the spelling comprises) a **first component, a second component and a third component**. The first component comprises the spelling of the phonetic ideographic symbol (phonetic spelling; abstract with figure 2 and column 17, line 62 – column 18, line 22 with column 20, lines 7-17 and column 22, lines 13-42), a second component comprising alphanumerals providing an indication of the shape of the ideographic symbol (shape identifier; abstract with figure 3 and column 4, lines 44-51 and column 8, lines 13-49 with column 9, line 54 – column 10, line 41 and column 17, line 62 – column 18, line 22 with column 22, lines 13-42) and a third component comprising a differentiator providing a unique identification of the ideographic (additional means identifier code; abstract with column 1, lines 14-26). Furthermore, the claim does not disclose that each of the components are collected to produce a single code. Therefore, Applicant's arguments are not persuasive.

Further Applicant argues that King's method **cannot** be used to make a table showing the alphanumeric code and the corresponding symbol. If King can provide both the shape and the spelling, it is not understood why this information could not be

Art Unit: 2626

gathered to formulate a simple table. Therefore, Applicant's arguments are not persuasive.

Claim Objections

3. Claim 44 is objected to because of the following informalities:

The preamble of independent claim 37 consist of "a spelling for an ideographic symbol having a shape", however, the preamble of dependent claim 44 is "a table".

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. Claims 37-44 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 37 describes "a spelling for an ideographic symbol having a shape" and claim 44 "a table", but does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2626

6. **Claims 37-43** are rejected under 35 U.S.C. 102(b) as being anticipated by King et al. (USPN 4,679,951), hereinafter referenced as King.

Regarding **claim 37**, King discloses a spelling for an ideographic symbol having a shape comprising: a first component comprising alphanumerals providing a spelling of the phonetics of the ideographic symbol (phonetic spelling; abstract with figure 2 and column 17, line 62 – column 18, line 22 with column 20, lines 7-17 and column 22, lines 13-42), a second component comprising alphanumerals providing an indication of the shape of the ideographic symbol (shape identifier; abstract with figure 3 and column 4, lines 44-51 and column 8, lines 13-49 with column 9, line 54 – column 10, line 41 and column 17, line 62 – column 18, line 22 with column 22, lines 13-42), and a third component comprising a differentiator providing a unique identification of the ideographic symbol (additional means identifier code; abstract with column 1, lines 14-26).

Regarding **claim 38**, King discloses a spelling wherein the ideographic symbols are Chinese-language characters (Chinese characters; figures 4a-4f).

Regarding **claim 39**, King discloses a spelling wherein the first portion provides a sound portion and a tone portion of the ideographic symbol (sound and tone; column 12, lines 1-32).

Regarding **claim 40**, King discloses a spelling wherein the sound portion and the tone portions are Pinyin spellings (pinyin; column 11, line 49 – column 12, line 9).

Art Unit: 2626

Regarding **claim 41** King discloses a spelling wherein the shape of the ideographic symbol is indicated by a four-corner numerical index (four-corner; column 4, lines 44-51).

Regarding **claim 42**, King discloses a spelling wherein the third component is a differentiator whose value is either null or at least one alphanumeral ("0" or null; column 10, lines 5-30).

Regarding **claim 43**, King discloses a spelling wherein alphanumerals are English-language alphabetic letters and one Arabic numeral (Arabic numerals; column 8, lines 55-61 and column 9, lines 1-9).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 44** is rejected under 35 U.S.C. 103(a) as being unpatentable over King in view well known prior art.

Regarding **claim 44**, King discloses a spelling comprising a provides a plurality of spellings phonetic spelling; abstract with figure 2 and column 17, line 62 – column 18, line 22 with column 20, lines 7-17 and column 22, lines 13-42) and ideographic symbols (shape identifier; abstract with figure 3 and column 4, lines 44-51 and column 8, lines

Art Unit: 2626

13-49 with column 9, line 54 – column 10, line 41 and column 17, line 62 – column 18, line 22 with column 22, lines 13-42), but does not specifically teach that the information is formulated on a table. However, it well know in prior art that a table can be used to arrange words, numbers, or signs, or combinations of them, as in parallel columns, to exhibit a set of facts or relations in a definite, compact, and comprehensive form.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kings method such that the information is arranged on a table, to provide an synopsis or scheme for organization, which is well known in prior art.

Conclusion

9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2626

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571-272-7619. The examiner can normally be reached on Monday-Friday from 5:30am-2:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ

October 19, 2007


DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600